

**REMARKS**

Reconsideration of the rejections set forth in the Office Action is respectfully requested. By this amendment claims 10 and 17 have been canceled without prejudice or disclaimer and claims 15, 18-19, and 21-22 have been amended. Currently, claims 1, 4, 6-9, 15-16, and 18-22 are pending in this application.

**Rejection under 35 USC 101**

Claim 10 was rejected under 35 USC 101 as being directed to non-statutory subject matter. Although applicants disagree with this rejection and reserve the right to inject claims to a data structure back into this application at a later point in time, applicants have canceled claim 10 in this Amendment to focus prosecution on other issues of patentability. Thus, the rejection of claim 10 under 35 USC 101 is, at this point in prosecution, moot.

**Rejection under 35 USC 103**

Independent claim 15 and dependent claims 16 and 19 were rejected under 35 USC 103 as unpatentable over Pearce et al (U.S. Patent No. 6,556,574) in view of Lasserre (U.S. Patent No. 7,406,518). The other dependent claims 17-18 and 20-22 were rejected over Pearce in view of other secondary references. These rejections are respectfully traversed in view of the amendments to the claims and the following arguments.

This application teaches a novel way of using MAC addresses to enable switches to read a portion of a frame's MAC address and use that portion, by itself, to make a forwarding decision for the frame. Traditionally switches have read the entire MAC address and used the entire MAC address to perform a switching function. Applicants proposed to divide the MAC address into fields and enable each switch to read a different portion of the MAC address.

In the Office Action, at page 8, the Examiner indicated that particular subject matter was allowable over the prior art of record. In particular, the Examiner indicated that the references do not teach or suggest a frame having a MAC address including an address portion that is divided into a plurality of sub-fields, at least two of the sub-fields being greater than 2 bits and shorter than 5 bytes in length, and each sub-field having local significance to a separate switch on the communication network such that each separate switch will read only one of the plurality of sub-fields of the MAC address when making a switching decision for the frame.

Claim 15 is focused on a way for the sub-fields of the MAC address to be assigned, so that each sub-field will have local significance to a separate switch on the communication network such that each separate switch will read only one of the plurality of sub-fields of the MAC address when making a switching decision for the frame. Thus, the method in claim 15 is utilized in connection with setting values into the sub-fields of the MAC address so that the switches can make the switching decisions referenced in claim 1.

Applicants have amended claim 15 to recite that the method is directed to a method of assigning a Media Access Control (MAC) address for use in forwarding traffic by network elements on a network. Previously the preamble read that the method was directed to assigning a MAC address to an interface. When the method steps were changed (as shown above and as discussed below) the focus of the method changed so that the method was more directed on assigning values to multiple parts of the MAC address. Accordingly, this change to the preamble was made to conform the preamble with the other portions of the claim and is not believed to be narrowing.

Claim 15 as previously presented included the step of setting a local bit in the first octet of the MAC address to indicate to network elements on the network that the MAC address is locally assigned. This step of claim 15 was amended to recite that the MAC address includes an address portion which is divided into a plurality of sub-fields, at least two of the sub-fields of the address portion being greater than 2 bits in length and shorter than 5 bytes in length and each sub-field having local significance to a separate network element on the network such that each separate network element will read only one of the plurality of sub-fields of the MAC address when making a switching decision for the frame. This language generally tracks the language found to be allowable by the Examiner in connection with claim 1, except that the term “switch” has been replaced with “network element” and “communication network” has been replaced with “network” to enable this clause to have proper antecedent basis in the preamble of claim 15.

Claim 15 has also been amended to recite how values are assigned to the sub-fields. Specifically, claim 15 has been amended to recite that the method includes the steps of assigning a first value to a first of the at least two sub-fields and assigning a second value to a second of the at least two sub-fields. As recited in amended claim 15, the first value (that is assigned to the first sub-field) contains first output interface information usable by a first of the network elements to switch packets or frames of data containing the MAC address to the first output

interface without reference to the other sub-fields of the MAC address. Likewise, the second value (that is assigned to the second sub-field) contains second output interface information usable by a second of the network elements to switch the packets or frames of data containing the MAC address to the second output interface without reference to the other sub-fields of the MAC address.

As noted by the Examiner in connection with discussing the allowable subject matter (in connection with claim 1), the cited references do not teach or suggest that a MAC address should be used in this manner. Claim 15, which recites how the MAC address may be created to be used in this manner is, accordingly, also believed patentable over the art of record. Thus, applicants respectfully request that the rejection of amended claim 15 be withdrawn.

#### Conditional Request for Interview

Since there is allowable subject matter in this case, applicants would like to discuss this application with the Examiner if the proposed claim amendments are not deemed to place all claims in condition for allowance. Accordingly, if additional rejection of any of the claims is deemed warranted, applicants respectfully request an interview with the Examiner to address these issues so that prosecution of this case may be expedited and concluded.

#### Conclusion

Applicants respectfully submit that this application is in condition for allowance and an action to this effect is respectfully requested. No fees are due in connection with this filing. If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 141315 (Ref: 14715ROUS03U).

Respectfully Submitted

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